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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/619,317  | 07/14/2003  | Stephen J. Plzak     | 353851-102          | 7284             |
| 39731   | 7590        | 06/29/2005           | EXAMINER            |                  |
| LAW OFFICES OF ARTHUR E. JACKSON<br>P.O. BOX 88<br>HOPEWELL, NJ 08525 |             |                      | CHIN, PAUL T        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3652                |                  |
| DATE MAILED: 06/29/2005   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                   |
|------------------------------|--------------------------|-------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)      |
|                              | 10/619,317               | PLZAK, STEPHEN J. |
|                              | Examiner<br>PAUL T. CHIN | Art Unit<br>3652  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 and 7-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 7-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 21, 2005, has been entered.

### *Claim Objections*

2. Claim 5 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Both of the claims recite the size of the circumference of the loop. Note that claim 16 depend on the canceled claim 6. It appears that claim 16 should depend on claim 1.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatfield (5,005,527).

Hatfield (5,005,527) discloses a carrier system comprising a system for securing an object, comprising a releasable and adjustable fastening mechanism (20), a buckle,

having a first end (including an attachment point) and a second end (including an entry point), and a serpentine article (12), a strap, engaged in the mechanism and a non-adjustable, closed loop (16) of strap fixedly attached to the serpentine article, and a first end of the strap is fixedly attached to a first end of an attachment, and a cam (32) to engage the strap. Note that figure 1 shows a non-adjustable loop 16 at one end of the strap and the loop can be substantially used as a handle. The device is applied to secure the neck of an animal with an adjustable loop C and it appears that the fixed loop 16 is at least within about 3 inches or 6 inches of the first end.

5. Claims 1,2,4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (5,581,853) (see PTO-892).

Miller et al. (5,581,853) discloses a carrier or securing system comprising a system having a releasable and adjustable fastening mechanism (16), a buckle, and a serpentine article (12), a strap, engaged in the mechanism and a non-adjustable, closed loop of strap (18) fixedly attached to the serpentine article, and a first end of the strap is fixedly attached to a first end of an attachment and a second end of the strap is threaded for the buckle.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatfield (5,005,527).

Hatfield (5,005,527), as presented in section 4 above, does not show the structural dimensional limitations (e.g., the loop being from 4 to 12 inches in circumference, and it would have been obvious to those skilled in the art to provide the circumference (from 4 to 12 inches) of the Hatfield (5,005,527)'s loop (16) in order to provide as a means to secure the object.

8. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatfield (5,005,527) in view of either Kim (4,971,354) (see PTO-892) or the France Patent (FR 2,744,997) (see PTO-892).

Hatfield (5,005,527), as presented in sections 4 and 7 above, does not show that the non-adjustable loop *is produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching*. However, Kim (4,971,354) shows a safety belt of strap (12) *being folded as an S-shape by sewing and stitching* (see Figs. 5 and 11) to secure the strap. Moreover, the France Patent (FR 2,744,997) also shows a strap (1) *being folded as an S-shape by sewing and stitching* (see Figs. 3a,3b, and 4a) as a means to identify or locate the applied length of the strap. Accordingly, it would have been obvious to those skilled in the art to provide the loop (16) of Hatfield (5,005,527), to be *produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching* as taught by Kim (4,971,354) or the France Patent (FR 2,744,997) to firmly secure the loop.

Re claims 12 and 15, it would have been obvious to those skilled in the art to provide the desired structural dimensional limitations on the modified Hatfield (5,005,527) to provide a user's friendly and better secured device.

9. Claims 5,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,581,853).

Miller et al. (5,581,853), as presented in section 5 above, does not show the structural dimensional limitations (e.g., the loop being from 4 to 12 inches in circumference, and it would have been obvious to those skilled in the art to provide the circumference (from 4 to 12 inches) of the Miller et al. loop in order to provide as a means to secure the object.

10. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,581,853) in view of either Kim (4,971,354) or the France Patent (FR 2,744,997).

Miller et al. (5,581,853), as presented in sections 5 and 9 above, does not show that the non-adjustable loop *is produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching*. However, Kim (4,971,354) shows a safety belt of strap (12) *being folded as an S-shape by sewing and stitching* (see Figs. 5 and 11) to secure the strap. Moreover, the France Patent (FR 2,744,997) also shows a strap (1) *being folded as an S-shape by sewing and stitching* (see Figs. 3a,3b, and 4a) as a means to identify or locate the applied length of the strap. Accordingly, it would have been obvious to those skilled in the art to provide the loop of Miller et al. (5,581,853) to be *produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching* as taught by Kim (4,971,354) or the France Patent (FR 2,744,997) to firmly secure the loop.

Re claims 12 and 15, it would have been obvious to those skilled in the art to provide the desired structural dimensional limitations on the modified Miller et al. (5,581,853) to provide a user's friendly and better secured device.

11. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plzak (6,295,700) (See PTO-892) in view of Lyons (5,881,436).

Plzak (6,295,700) discloses a carrier system comprising a system for securing an object, comprising a releasable and adjustable fastening mechanism (700) (see Fig. 9C), a buckle, having a first end (including an attachment point) and a second end (including an entry point), and a serpentine article (750), a strap, engaged in the mechanism and a cam with an engagement surface. Plzak (6,295,700) does not show a non-adjustable, closed loop of strap fixedly attached to the serpentine article, and a first end of the strap is fixedly attached to a first end of an attachment. However, Lyons (5,881,436) teaches a strap 1 having a first end and a second end, the first end having a non-adjustable loop (see Fig. 4) being attached to an attachment point of a buckle 3 and other end of the strap to go through the cam and the engagement surface. Accordingly, it would have been obvious to those skilled in the art to attach the strap of Lyon including the non-adjustable loop of the strap on the attachment point of Plzak (6,295,700) (to replace the existing strap 750) so that the modified Plzak (6,295,700) would provide a fixed grip at one end and the adjustable strap at the other end of the strap. Moreover, it would have been obvious to those skilled in the art to provide structural dimensions or the method of stitching or sewing on the strap of Plzak (6,295,700) depending on the application. A non-adjustable loop will provide a comfortable grip to a user and also a larger adjustable would secure a larger object.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-5 and 7-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAUL T. CHIN  
Examiner  
Art Unit 3652

